

**IN THE DISTRICT COURT OF GUAM
TERRITORY OF GUAM
CRIMINAL MINUTES
AMENDED**

CASE NO.: CR-07-00064-002

DATE: February 14, 2008

HON. FRANCES M. TYDINGCO-GATEWOOD, Chief Judge, Presiding

Law Clerk: Sara Weber

Court Reporter: Wanda Miles

Courtroom Deputy: Virginia T. Kilgore
Carmen B. Santos

Electronically Recorded: 9:06:58 - 9:56:14
10:18:34 - 11:48:58

CSO: D. Quinata / J. Lizama

APPEARANCES:

Defendant: In Hyuk Kim

Attorney: Peter C. Perez

☒ Present ☐ Custody ☒ Bond ☐ P.R.

☒ Present ☒ Retained ☐ FPD ☐ CJA

U.S. Attorney: Karon Johnson

U.S. Agent: Richard Flores, Immigration and Customs Enforcement

U.S. Probation: None Present

U.S. Marshal: None Present

Interpreter:

Language:

PROCEEDINGS: Continued Motion to Suppress for Miranda Violations

Continued Motion to Dismiss

Continued Motion in Limine

Continued Motion to Suppress Statement by Co-Defendant

- Motion to Suppress for Miranda Violations under advisement.
- Motion in Limine under advisement.
- Motion to Suppress Statement by Co-Defendant under advisement.
- Motion to Dismiss continued to: February 19, 2008 at 9:00 A.M.

NOTES: **Parties stipulated and submitted Exhibit 11, a redacted version of Exhibit 9.
Mr. Perez argued for redaction of certain portions of Exhibit 10.

DEPARTMENT OF THE TREASURY
UNITED STATES CUSTOMS SERVICE

AFFIDAVIT

STATE OF: _____)

COUNTY OF: _____)

I, In Hyuk Dominic Kim

Who after being duly sworn states the following:

I first started sending I-94 that was given to me by Suh/Wonbae. This happened back in 2003. I had recieved from him was \$400 And to drink at the club he owned Club Volvo. I do not recall how many I sent out, but it was around 10. Suh/Wonbae informed other owner such as Yuji and Anna who owned Big mama. I probably sent ^{around} ~~around~~ 4 I-94 per their request and recieved \$300 per person. I then met ~~in~~ Ms. Noh who was close with Anna of Big Mama. Ms Noh later worked at Yeobe Club where I set 5 I-94 as she requested and recieved \$300 per person. I recieved I-94 from YiJae as request by Ms. Noh. I am thinking I recieved around 4 in early 2006 and 5 additional late 2006. I was told ~~it~~ was for the request of Park/KwangHo and was paid \$1200 for all 4 people and didn't get the other 400 as promised. My last I-94 I sent was early 2007 or late

The contents of this statement are true and correct to the best of my knowledge and belief.

Subscribed and sworn to
before me this 21 day
of July, in the year
2007

In Hyuk Dominic Kim
Affiant

Richard J. [Signature]
Special Agent

[Signature]
Witness

GOVERNMENT
EXHIBIT

AFFIDAVIT (continuation)

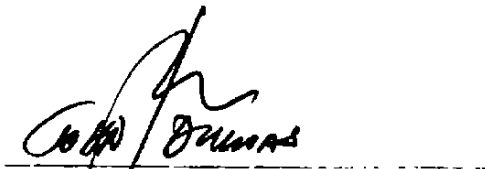
2006. After the first ~~two~~ two or three years of send I-94 illegally, I heard rumors of investigation. I stopped sending I-94 but still received money to send the I-94. I just ~~threw~~ threw the I-94 away and made it seem the I-94 was sent. ~~I~~ Because I work at the airport, people will call me to get information about someone being in secondary or if some came to Guam. In no way did I know that someone was coming unless they were not released by CBP and the manager or owners will call me about a certain passenger. [In no way did I falsify in the interpretation conducted. I may know or assume their intent was for working but I am there to interpret the best I can. [I received phone calls from Mr. Choi Byoung Kuk when ^{he} asking me about Mr. Kim/Douglas. I asked him how he knew Mr. Douglas Kim and how he is associated with him. All he told ~~me~~ ^{he} me was that someone else was asking. I told him he was held by customs I met Mr. Choi/Byoung Kuk when he came to Guam for his honey moon. I was asked by Mr. Kim/Yong Sik to drive them around. It was Mr. Yong Sik through Yuji of Big MAMA to drive and guide Mr. Sa Yong Kim when he came to Guam for his Honey Moon. In no way was I connected with ~~the~~ ^{he} with drugs being brought in to Guam

The contents of this statement are true and correct to the best of my knowledge and belief.

Subscribed and sworn to
before me this 31 day
of July, in the year
2007.


Special Agent


Affiant


Witness

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AFFIDAVIT (continuation)

I had ~~dropped~~^{Ik} met Mr. Kim/Yongsik before he left Guam. I had picked him up at M&M spa and went to Yang Sunna Club before I dropped him at the airport. He showed me his green card and also informed me that I wouldn't be able to reach him until he takes care of some business with police. He said he would be arrested as soon as he arrives in Korea. This was the last I heard from him. It was later that I was told that he was involved in smuggling drugs. I only found out through Mr. Kim/Sa Yong because he was asking to find out what had happen to Mr. Kim/Doo Hwan. Mr. Sa Yong told me that Mr. Doo Hwan was involved in smuggling drugs this was a month after the drug smuggling incident. I had to go to the consulate and find out his whereabouts. The only money I recieved from Mr. Sa Yong Kim was not for me but to buy books for Mr. Doo Hwan Kim. I had dropped off books at agana precinct.]

The contents of this statement are true and correct to the best of my knowledge and belief.

Subscribed and sworn to
before me this 31 day
of July, in the year
2007


Affiant


Special Agent


Witness

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